

Section 415 - Moving of Buildings

415.01 Permit Required. No person shall move, remove, raise or hold up any building within the limits of the City or move a building on or across any street over which the City has jurisdiction without first obtaining a permit from the Building Official. For the purposes of this Section, the term "building" shall include a mobile home.

415.02 Application. Any person seeking a permit under this Section shall file an application for such permit with the Building Official upon forms provided by the Building Official. The application shall contain the information required by Section 160 of this Code and other information as the Building Official shall find necessary to determine whether a permit should be issued. The application shall be accompanied by the fee in the amount set forth in Section 185 of this Code. The following shall be filed with the application:

Subd. 1 **Utilities.** Written evidence of necessary arrangements with all public utility companies whose wires, lamps or poles are required to be moved or removed.

Subd. 2 **Liability Insurance.** A liability insurance policy or certificate of such insurance, issued by an insurance company authorized to do business in the State of Minnesota. The policy shall insure the applicant and name the City as an insured in the sum of at least \$100,000 for injury to or death of one person, and \$300,000 for any one incident, and for damage to property arising from any one incident in the amount of not less than \$50,000. The policy shall be in effect until after the building has been moved. Such policy or certificate shall not be required from a building mover licensed by the State Commissioner of Transportation pursuant to M.S. 221.81.

Subd. 3 **Cash Deposit.** A cash deposit in the amount set forth in Section 185 as an indemnity for any damage which the City may sustain by reason of damage or injury to any highway, street or alley, sidewalk, fire hydrant or other property of the City, which may be caused by or be incidental to the moving of any building over, along, or across any street in the City. Such deposit shall not be required from a building mover licensed by the State Commissioner of Transportation pursuant to M.S. 221.81.

Subd. 4 **Bond.** A bond in the form provided by the Clerk, executed by a corporate surety company authorized to do business in the State in the amount of \$25,000, conditioned upon the compliance by the applicant with this and other applicable provisions of this Code and State Law and payment to the City of all fees, expenses, fines and penalties required by this Code or State Law and payment to the City of any damage the City may sustain by reason of such building being moved. Such bond shall not be required from a building mover licensed by the State Commissioner of Transportation pursuant to M.S. 221.81.

Subd. 5 **Copy of License.** Copy of the license, if any, issued to the applicant by the Commissioner of Transportation of the State of Minnesota pursuant to M.S. 221.81.

415.03 Terms of Permit. The permit may regulate the date and hours of moving, routing, movement, speed of movement, and such other matters as are determined necessary to protect the safety and welfare of the residents of the City.

415.04 Duties of Building Official.

Subd. 1 **Inspection; Denial of Permit.** The Building Official shall inspect the building and the applicant's equipment to determine whether the following standards for issuance of a permit are met. The Building Official shall refuse to issue a permit if it is found that:

- A. The application has not been properly completed or any required fee, deposit, bond, or insurance requirement has not been submitted.
- B. The building is too large to move without endangering persons or property in the City.
- C. The building is in such state of deterioration or disrepair or is otherwise so structurally unsafe that it could not be moved without endangering persons or property in the City.
- D. The building is structurally unsafe or unfit for the purpose for which moved, if the location to which the building is to be moved is in the City.
- E. Zoning, building code or other provisions of this Code would be violated by the building in its new location if such location is in the City.
- F. For any other reason, persons or property in the City would be endangered by the moving of the building.

Subd. 2 **Return of Fees and Deposits.**

- A. Upon denying a permit, the Building Official shall direct the Treasurer to return to the applicant all deposits, bonds, and insurance policies. The permit fee filed with the application shall not be returned.
- B. After the building has been moved, the Building Official shall furnish the Treasurer with a written statement of all expenses incurred and of all damage caused to or inflicted upon property belonging to the City by reason of the move. The Treasurer shall return to the applicant all deposits after deducting a sum sufficient to pay for all of the costs and expenses and for all damage done to property of the City. The permit fee deposited with the application shall not be returned.

Subd. 3 **Designate Streets.** The Building Official shall procure from the Engineer, a list of designated streets over which the building may be moved. The Building Official shall have the list approved by the Police Chief and shall attach the list to the permit. In

making their determinations, the Engineer and Police Chief shall act to assure maximum safety to persons and property in the City and to minimize congestion and traffic hazards on public streets.

415.05 Duties of Permit Holder. Every permit holder under this Section shall:

Subd. 1 **Use Designated Streets.** Move a building only over streets designated for such use in the written permit.

Subd. 2 **Notify of Change in Moving Time.** Notify the Building Official in writing of a desired change in moving date or hours as proposed in the application.

Subd. 3 **Notify of Damage.** Notify the Building Official in writing of any and all damage or injury done to property belonging to the City or any public utility within 24 hours after the damage or injury has occurred.

Subd. 4 **Display Lights.** Cause red lights to be displayed during the night time on every side of the building, while on a street, so as to warn the public of the obstruction, and at all times erect and maintain barricades across the streets so as to protect the public from damage or injury by reason of the building. Warning lights with open flames shall not be used.

Subd. 5 **Perform Work Diligently.** Follow the schedule submitted to the Building Official. A building may not occupy a public street in excess of the time period provided in the schedule. A building may not be permanently or temporarily placed on private property except the property identified on the application as the permanent location for the building.

Subd. 6 **Comply with Governing Law.** Comply with Section 850 and all other applicable provisions of this Code and State Law upon relocating the building in the City.

Subd. 7 **Pay Expense of Officer.** Pay the expense of a traffic officer ordered by the Building Official, Police Chief or Manager to accompany the movement of the building to protect the public from injury.

Subd. 8 **Clear Old Premises.** Remove all rubbish and materials and fill all excavations to existing grade at the original building site, if within the City, so that the premises are left in a safe condition. All foundation structures shall be removed to a depth of 18 inches below the finished grade of the lot and the foundation hole shall then be filled in, compacted and leveled.

Subd. 9 **Remove Service Connection.** Cause the sewer line to be plugged with a concrete stopper, and the water to be shut off, if the original building site is within the City. Permittee shall notify the gas and electric service companies to remove their services.

415.06 Liability to City.

Subd. 1 **Liable for Expense above Deposit.** The permit holder shall be liable for any expenses, damages or costs in excess of deposited amounts or security amounts.

Subd. 2 **Original Premises Left Unsafe.** If the original building site is within the City, and if the permit holder does not comply with the requirements of this Section, the City may do the work necessary to place the original premises in a safe condition and in compliance with this Section. This cost shall be the responsibility of the permit holder and may be charged against any cash deposit required by the terms of this Section. The permit holder shall remain liable for any costs in excess of the cash deposit.

415.07 Subject to M.S. 221.81. The provisions of this Section shall be subject to the provisions of M.S. 221.81, and no provision of this Section which is prohibited by M.S. 221.81 shall be enforced.

History: Ord 411 codified 1970; amended by Ord 411-A1 11-25-81

Reference: M.S. 221.81

Cross Reference: Sections 160, 185, 850